

**Amendment No. 1 to HB2664**

**Fowlkes  
Signature of Sponsor**

**AMEND Senate Bill No. 2752**

**House Bill No. 2664\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following new sections:

Section 39-17-452.

(a) No person shall deliver in any single over-the-counter sale more than three (3) packages, or any number of packages that contain a combined total of more than nine (9) grams, of any product containing ephedrine, pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, as the sole active ingredient, or in combination with other active ingredients.

(b)

(1) All packages of any drug having a sole active ingredient of ephedrine, pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, shall be displayed and offered for sale only behind a checkout counter where the public is not permitted, or within twenty (20) feet and an unobstructed view of an attended checkout counter or employee.

(2) This subsection shall not apply to any retailer utilizing an electronic anti-theft system that utilizes a product tag and detection alarm which specifically prevents the theft of such drugs from the place of business where such drugs are sold.

(c) This section shall not apply to:

(1) Any product labeled pursuant to federal regulation for use only in children under twelve (12) years of age;

(2) Any product that the Tennessee department of health, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors; or

(3) The sale of any animal feed products containing ephedrine.

(d) Any person who is considered the general owner or operator of the outlet where ephedrine or pseudoephedrine products are available for sale who violates subsection (a) of this section shall not be penalized pursuant to this section if such person documents that an employee training program was in place to provide the employee with information on the state and federal regulations regarding ephedrine and pseudoephedrine.

(e) The provisions of this section shall preempt all local ordinances or regulations governing the sale by a retail distributor of over-the-counter products containing ephedrine, pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers to the extent that such ordinances or regulations are more restrictive than the provisions of this section.

(f) Any person who knowingly violates this section commits a class A misdemeanor.

Section 39-17-453.

(a) All retail merchants and any other establishment that sell at retail any product containing a sole active ingredient of ephedrine, pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers or any combination product containing, as one of its active ingredients, ephedrine, pseudoephedrine,

or any of their salts, optical isomers, or salts of optical isomers, is encouraged to actively participate in the meth watch program established, sponsored and operated by the Tennessee bureau of investigation. Such program is designed to heighten awareness in the business community to the dangers and ready availability of methamphetamine in the community and to allow local businesses to aid law enforcement in the fight against this rapidly increasing problem by limiting the sale or theft of methamphetamine precursors that may later be used for illegal and dangerous purposes.

SECTION 2. This act shall take effect on July 1, 2004, the public welfare requiring it.